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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic report of States parties due in 1990

Addendum

UKRAINIAN SOVIET SOCIALIST REPUBLIC*

[7 May 1991]

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* For the ninth and tenth periodic reports submitted by the Government of the Ukrainian Soviet Socialist Republic and the summary records of the meetings at which such reports were considered, see:

Ninth periodic report - CERD/C/149/Add.10 (CERD/C/SR.820-821);
Tenth periodic report - CERD/C/172/Add.14 (CERD/C/SR.893).

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PART I - GENERAL

1. This report supplements the previous periodic reports submitted by the Ukrainian SSR in compliance with article 9 of the Convention and, in particular, the tenth periodic report contained in document CERD/C/172/Add.14. Since the submission of the latter, tenth, report of the Ukrainian SSR, significant changes have taken place in the political, social and economic life of the Republic, some of which are relevant to observance of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. Of great importance for the banning of racial discrimination of any kind were the adoption, on 16 June 1990, of the Declaration on State Sovereignty of the Ukraine, and the subsequent steps taken for the juridical formulation and affirmation of the principle of the Ukraine's sovereignty and for the creation of its basis in law. Thus, some amendments and additions were introduced into the Constitution of the Ukraine; the Law on the Economic Autonomy of the Ukrainian SSR as well as laws concerning languages and the militia were adopted; the Penal Code of the Ukrainian SSR was amended; and a whole series of legislative acts relating to various aspects of the political and socio-economic life of society was adopted. The principles governing the organization of the activities of the organs of State power, of administration of the Republic were specified, primary importance being given to the principles of the electoral process, accountability to the people, and juridical and political responsibility for the work being done.

3. Article 6 of the Ukrainian Constitution affirming the leading role of the Communist Party of the Soviet Union in the life of society was repealed, the political life of the Republic was democratized, and the basis was laid for political pluralism and multi-party activities. Amendments to articles 7 and 49 of the Constitution prescribed ground rules for the activities of political parties and social movements. Article 71 of the Constitution ensures the supremacy of the laws of the Ukraine on its territory.

* * *

4. The Declaration on State Sovereignty of the Ukraine proclaims the primacy of universal human values and the priority of the generally recognized norms of international law over the norms of municipal law. Like article 32 of the Constitution of the Ukrainian SSR, the Declaration contains a general provision establishing the equality of all citizens in all fields of economic, political, social and cultural life without distinction as to origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other circumstances.

5. In addition, at this stage the provisions of the Convention are being implemented and observed on the basis of domestic legislation and administrative regulations, in the preparation of which those provisions are being taken fully into account. In that connection, possible ways of direct reference to the Convention are now being considered, in particular by means of introducing the necessary amendments to the Constitution of the Ukraine or by some other method.

* * *

6. According to the population census conducted in 1989, the territory of the Ukraine is inhabited by a total population of 51.45 million people, including 37.4 million Ukrainians (72.7 per cent), 11.35 million Russians (22 per cent), 486,000 Jews, 440,000 Byelorussians, 324,500 Moldavians, 233,000 Bulgarians, 219,000 Poles, 163,000 Hungarians and 134,000 Romanians. In all, representatives of more than 110 nations and nationalities are living on the territory of the Republic.

7. There have been important changes in electoral legislation. Under the new election law the highest legislative body of the Republic - the Supreme Soviet of the Ukrainian SSR - and the local organs of people's power - the local soviets of deputies - are chosen through genuinely democratic, universal, equal and direct elections.

PART II - INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

8. Supplementary to the data provided in previous reports concerning legislative and other regulatory acts ensuring the equality of citizens of the Republic regardless of race or nationality, the following information is being supplied concerning new measures recently adopted in the Republic relating to the purposes and principles of the Convention.

9. The political decision of the USSR Supreme Soviet on the restoration of the constitutional rights of deported peoples, including the Crimean Tatars, has opened the way to the final solution of the problem of Crimean Tatars, so wishing, to return to their ancestral homeland. As approximately 300,000 people are expected to return to Crimea, the implementation of this process is not a simple matter. The shortage of building materials is being sharply felt and the Crimea's share of deliveries of agricultural products by the Union Republics has been reduced because of the peninsula's population growth. In some districts, infrastructure and population density are now reaching the point of ecological and demographic over-saturation. To solve the complex problems connected with removal, settlement, accommodation, and the provision of housing, food, water, electric power and communal and social services, relevant commissions have been created and a State programme for the organized return of Crimean Tatars to the Crimea has been drawn up and is being implemented. Operational measures are being taken to ease the inevitable frictions in such cases between those arriving and the local inhabitants. A great deal of work is being done by local authorities, and representatives of the Crimean national movement are actively helping to welcome and resettle the returnees. The latter are being resettled mainly in the places where they formerly lived. On 20 January 1991, a referendum was held in the Crimea on the political and legal status of the peninsula. A total of 93.3 per cent of the participants opted for autonomy of the territory as part of the Ukrainian SSR. The population of the Crimea hopes that its new status will make possible a more rapid and complete solution of the peninsula's complex problems. The decision of the Crimeans was also supported by the Republic's authorities: on 15 February 1991, the Supreme Soviet of the Ukrainian SSR adopted the Law on the Restoration of the Crimean Autonomous Soviet Socialist Republic with corresponding changes in the structures and competence of local authorities.

10. On 26 September 1990, the Supreme Soviet of the Ukrainian SSR adopted a decree introducing amendments to the regulations concerning religious groups in the Ukrainian SSR. The first part of article 1 now reads that "in accordance with the Constitution of the Ukrainian SSR, citizens of the Ukrainian SSR are guaranteed freedom of conscience, i.e. the right to profess any religion or none at all, to hold religious services, and to conduct religious or atheistic propaganda. The fanning of hostility or hatred in connection with religious beliefs is prohibited". In article 4, the words "monitoring the activities of religious groups" have been replaced by the words "monitoring compliance with legislation concerning religious worship". Articles 24 and 25 state that at cemetaries, crematoria, places of separate burial, apartments and houses of believers, and - at the request of the dying or gravely ill - in hospitals and places of detention, religious rites and ceremonies are held freely, without permission from local authorities or their notification, whereas on the premises and in the buildings of enterprises, institutions and organizations and in the open air, they are held with the permission of such enterprises, institutions and organizations and local authorities.

11. At present, when there are certain frictions and conflictual relations between the followers of the Orthodox Church and the Greek Catholic Church, chiefly concerning the ownership of particular church buildings, the authorities are doing everything to prevent and allay opposition, to observe the law. All religious societies and groups of believers are registered by an established procedure, which is the same for all, and they conduct their activities under identical conditions as established by laws and regulations. At present, a total 10,500 religious organizations of various denominations are registered in the Ukraine; approximately 5,000 of them belong to the Ukrainian Orthodox Church. In recent years, 13 new monasteries, 9 seminaries, 2,500 Sunday schools for the study of God's Law, and 14 church brotherhoods have been established. Approximately 700 churches are under construction in the Ukraine.

12. The Ukrainian SSR attaches great importance to ensuring enjoyment of the rights of national minorities, and is taking steps to create all opportunities in that regard for the national minorities on its territory and for Ukrainians living in other countries. That is the purpose served, for example, by the bilateral Declaration on the principles of cooperation between the Ukrainian SSR and the Republic of Hungary on ensuring the rights of national minorities, which is also open to other States. A similar document is being prepared with the Government of Romania. The focus of these documents is the obligation of the parties to respect and consistently to implement the basic rights and freedoms, including equality before the law and non-discrimination, of the national minorities forming an inseparable part of their societies and States, and of persons belonging to those minorities.

Article 3

13. The Ukrainian SSR, resolutely condemning the ideology and practice of racism and racial discrimination in all their forms and manifestations, unreservedly rejects the system of apartheid and considers it criminal and unlawful, as being contrary to the norms and principles of international law and to fundamental human rights and freedoms.

14. In the context of the greatly changing situation in South Africa, the Ukrainian SSR fully shares the view expressed in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the United Nations General Assembly at its sixteenth special session, that "a conjuncture of circumstances exists, which, if there is a demonstrable readiness on the part of the South African régime to engage in negotiations genuinely and seriously ... could create the possibility to end apartheid through negotiations". Whether an internal settlement will be reached by peaceful or by other means largely depends on those who are in power in the Republic of South Africa. The most acceptable resolution of the conflict is a political one, through a nationwide dialogue with the participation of all interested parties. Our common duty is to further such a development. The fate of their country will be determined by the people of South Africa themselves. The task of the international community is to expedite the elimination of apartheid in every way and to that end to provide the opponents of the system of apartheid and the "front-line countries with extensive assistance and support, and to exert the necessary pressure on Pretoria.

15. The Ukrainian SSR maintains no relations with the Republic of South Africa. Consistently calling for the speedy elimination of apartheid and all forms of racism, the Ukrainian SSR has helped to prepare many international-law documents in this field, such as the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the Convention on the Prevention and Punishment of the Crime of Genocide; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights; and the International Convention against Apartheid in Sports. The Ukrainian SSR was among the first to sign and ratify the above documents and it complies with all their provisions.

16. The Ukrainian SSR takes an active position in the United Nations on questions of the struggle against apartheid, widely participates in the work of the Special Committee against Apartheid and the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, and has been a co-sponsor of most General Assembly resolutions on the subject. It shows complete solidarity with the national liberation forces of South Africa and in keeping with United Nations decisions gives them political, moral and material aid and support. It makes regular contributions to the International Defence and Aid Fund for Southern Africa and provides grants for activists of the national liberation movements of South Africa to study at educational institutions in the Ukraine.

17. Ukrainian mass media extensively report on the activities of the United Nations and other organizations in connection with the fight against apartheid and keeps the population of the Republic informed of the just struggle of the oppressed people of South Africa. Every year in the Ukrainian SSR the international days of solidarity with the struggling people of South Africa are widely observed, and numerous events are held to mobilize public opinion in support of the fight against apartheid, for the speedy elimination of the remnants of racism and racial discrimination.

Article 4

18. During the period since the submission of the previous report, substantial changes have been made in the Republic's penal legislation concerning violations of national and racial equality of rights. Criminal liability for incitement to racial hostility, disparagement of national honour and dignity, and infringement of rights on the basis of racial or national characteristics has been strengthened. Thus, under the Decree of the Presidium of the Ukraine's Supreme Soviet of 14 April 1989, article 66 of the Republic's Penal Code "Violation of national and racial equality of rights" provides in its new wording that "deliberate acts aimed at inciting national or racial hostility or discord, at disparaging national honour and dignity, or restriction of the rights, whether directly or indirectly, or establishment of direct or indirect privileges, of citizens depending on race or nationality" are punishable by deprivation of liberty or a fine. In addition, more severe punishment is provided for such acts if accompanied by violence, deception or threats, if committed by an official or a group of persons, or if they result in death or have other serious consequences. Thus, by providing for criminal liability for all deliberate acts violating national or racial equality of rights, by precisely defining the qualifying characteristics of such acts, and by considerably strengthening liability, differentiated according to the acts committed, the new wording of article 66 of the Penal Code serves as a serious guarantee of human rights and testifies to the strict fulfilment in this sphere of the Convention's provisions.

19. At the USSR level also, a number of legislative acts have been adopted dealing with the prohibition of any activity inciting to national discrimination, hostility or violence. Thus, the "Law on Strengthening Liability for Infringement of the National Equality of Rights of Citizens and Violent Breach of the Unity of the Territory of the USSR", adopted on 2 April 1990, declares illegal and, in particular, prohibits activity by any association of citizens aimed at instigating national or racial hatred, discord or disparagement, the use of violence for national, racial or religious reasons, and activities directly aimed at the violent breach of the unity of the territory of the USSR, and of Union or Autonomous Republics, Regions and Areas. Article 34 of the Basic Principles of the Penal Legislation of the USSR and of Union Republics now includes among the circumstances aggravating criminal liabilty the commission of a crime on the basis of national or racial hostility or disparagement.

Articles 5 and 6

20. In pursuance of the Declaration on State Sovereignty of the Ukraine, the UkSSR Act of 24 October 1990 introduces corresponding amendments and additions in the Constitution of the Ukrainian SSR. In particular, articles 7 and 49 of the Constitution have been reworded to read as follows:

> "Article 7. Political parties, social organizations and movements, through their representatives elected to Soviets of People's Deputies and in other forms, take part in the preparation and implementation of the policies of the Republic and in the conduct of State and public affairs on the basis of their programmes and statutes, in accordance with the Constitution of the Ukranian SSR and existing legislation.

The establishment and activities of parties and other social organizations and movements whose set purpose is to change the constitutional structure of the State by violent means or its territorial integrity in any unlawful manner, or to undermine its security or stir up ethnic or religious enmity are not permitted."

"Article 49. Citizens of the Ukrainian SSR have the right to organize in political parties and other social organizations and to join movements promoting the satisfaction of their legitimate interests.

The implementation of this right is not subject to any restrictions, save those which are prescribed by law and are necessary in the interests of State or public security, public order or protection of the rights and freedoms of citizens."

21. The Laws of the Ukrainian SSR of 27 October 1990 on Elections of People's Deputies of the Ukrainian SSR and on Elections of Deputies to Local Soviets of People's Deputies of the Ukrainian SSR prohibit any direct or indirect limitation of the electoral rights of citizens of the Ukrainian SSR based on origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in a locality, or type and nature of occupation (art. 2).

22. In the interests of ensuring the constitutional rights of citizens to organize and hold assemblies, meetings, street processions and demonstrations, the Decree of the Presidium of the USSR Supreme Soviet of 28 July 1988 clearly regulates the procedure for holding mass events. The legislation of the Ukrainian SSR (Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 3 August 1988) provides for administrative or criminal accountability in case of violation of the procedure for organizing and conducting assemblies, meetings and street processions and demonstrations.

23. A Law of the Ukrainian SSR on languages in the Ukrainian SSR was adopted on 28 October 1988. The Law recognizes the vivifying nature and social value of all ethnic languages and strictly guarantees to citizens their ethnic cultural and linguistic rights, on the principle that only the free development and equality of rights of ethnic languages and a high level of language culture constitute the basis for the mutual understanding of minds, mutual cultural enrichment and the strengthening of the friendship of peoples. The Ukrainian SSR accords the Ukrainian language the status of official language with a view to promoting the all-round development of the creative spiritual forces of the Ukrainian people and of guaranteeing its future as a sovereign national State. The Russian language is recognized in the Ukrainian SSR as the language of inter-communication of the peoples of the USSR. The choice of language for the inter-personal communication of citizens of the Ukranian SSR is an inalienable right of the citizens concerned.

24. The Law on the Militia adopted by the Supreme Soviet of the Ukrainian SSR on 20 December 1990 states in particular that the Militia protects human rights regardless of the social origin, property or other status, race or nationality, citizenship, age, language, education, attitude towards religion, sex and political or other convictions.

25. In addition, a number of USSR laws extend to the Ukrainian SSR that in one way or another touch on questions of elimination of all forms of racial discrimination, such as the Law on Citizenship of the USSR, the Law on Freedom of Conscience and of Religious Organizations, the Law on Social Organizations and others. All of those laws provide for equality and guarantee the rights of citizens, including rights independently of race or nationality.

26. At present, norms are being prepared establishing rules for entering and leaving the country, such as the Law on Entry and Departure. Also under preparation is the creation of a State migration service for the practical implementation of State policy dealing with migration of labour abroad, consultation with competent bodies of interested States, the drafting of relevant agreements and documents, and informational, consultative and organizational assistance for workers leaving to work abroad, in order to protect their political, juridical, economic and social interests, etc. There are no restrictions on movement between the Ukraine and other USSR Republics.

Article 7

27. Further to the information contained in previous reports, it may be mentioned that, as regards ensuring observance of the provisions of the Convention in the fields of teaching, education, culture and information, the aforementioned Law of the Ukrainian SSR on Languages in the Ukrainian SSR has been of great importance. Among the profound socio-economic transformations in the Ukrainian SSR, whose realization was initiated by perestroika, the reform of general-education and vocational-training schools holds an important place. The aims, tasks and principles of public education in the Republic are set forth in "Basic Principles of the Reform of General-Education and Vocational-Training Schools", the theses of the USSR Ministry of Education "Perestroika of the school to the level of modern requirements", "The concept of general secondary education as basic in a single system of continuing education".

28. Perestroika served to stimulate the development of those principles of public education which derive from the general orientation of Soviet society towards humanization, the restoration in politics, the economy, culture and the social sphere of human values and ideals. Special attention is being given to the building of interest in knowledge and professional competence, to fulfilment of the civic duty of serving the Motherland, to improvement of the patriotic and international training of youth, to deeper study of Ukrainian national culture and its mutual enrichment with the cultures of other peoples, and to teaching young boys and girls political culture and the culture of inter-ethnic relations.

29. Of the 20,988 general-education schools in operation during the 1988/89 school year, the language of instruction was Ukrainian in 15,000 (74 per cent), Russian in 4,600, Moldavian in 110, Hungarian in 55, and Polish in 2. In addition, there were 526 schools with two languages of instruction. The system of two-language instruction in one institution has been spreading. The Ukrainian Ministry of Public Education and its local bodies are working on the creation and operation in each urban neighbourhood of schools and pre-school institutions, of individual classes and groups where the language of instruction is Ukrainian and Russian, and of training aimed at the complete satisfaction of the needs of the population.

30. With the aim of creating better teaching conditions in schools where Ukrainian, Moldavian, Hungarian or Polish is the language of instruction, and in schools where the teaching is in Russian and where the pupils are mainly Bulgarian, Crimean-Tatar, Moldavian and Gagauz children, classes of more than 25 students are divided into two groups for lessons in Russian language and literature. The same applies to schools where Russian is the language of instruction when the students study Ukrainian or other languages and literatures.

31. In order to more fully satisfy the language needs of some of the nationalities living in the Odessa region, 38 optional groups have been formed there for studying the Bulgarian language and literature (954 students), as well as an optional group for studying modern Greek; in a number of schools of the Crimean and Kherson regions, the Tatar language and literature are being taught.

32. Study of the mother tongue is conducive to various forms of extra-mural activity: literary workshops, mother-tongue study groups, amateur poetry and music societies, folk celebrations, exhibits of their own artistic creations, and art festivals. Nevertheless, there are also substantial shortcomings in this field. Language-teaching methodology is improving very slowly. There are considerable difficulties in organizing the educational process in schools where Polish, Hungarian, Moldavian or some other languages is the language of instruction, and in the preparation of teaching texts and visual aids. Solution of the problems of training teachers of Bulgarian and Greek is inadequate.

33. Recently, much has been done to revive the cultures of the various national minorities living on the territory of the Ukraine: Bulgarians, Poles, Hungarians, Gagauzes, Romanians, Greeks, Tatars and other diasporas. The Ukrainian Ministry of Culture has prepared a long-term culture-promoting programme for various ethnic groups in the population. It has set as a first task the recruitment for its establishments of representatives of ethnic groups for the training of specialists in art-and-culture promotion.

34. In addition to the system of State bodies responsible for implementing policies in the sphere of culture, a broad network of social organizations has been drawn into the process of developing culture in the Ukraine.